

ORDINANCE NO. 24-870

AN ORDINANCE TO AMEND THE TOWN OF SARATOGA, TOWN CODE, TITLE 18 SUBDIVISIONS, SECTION 18.42.150 HORSES, LIVESTOCK AND OTHER BARNYARD ANIMALS AND AMENDING THE TOWN OF SARATOGA, TOWN CODE, TITLE 6 SECTION 6.04 ANIMALS GENERALLY.

WHEREAS, The Town Council as well as the Mayor of the Town of Saratoga, has determined that in the best interest of its residents that the above mentioned Town Code Section(s) be amended.

WHEREAS, The Town Council as well as the Mayor of the Town of Saratoga, wish to preserve personal sustainability and cultural heritage, through the allowance of poultry within the community.

WHEREAS, The Town Council as well as the Mayor of the Town of Saratoga, finds it appropriate and necessary to establish a process to respect the animals as well as rights of neighboring properties.

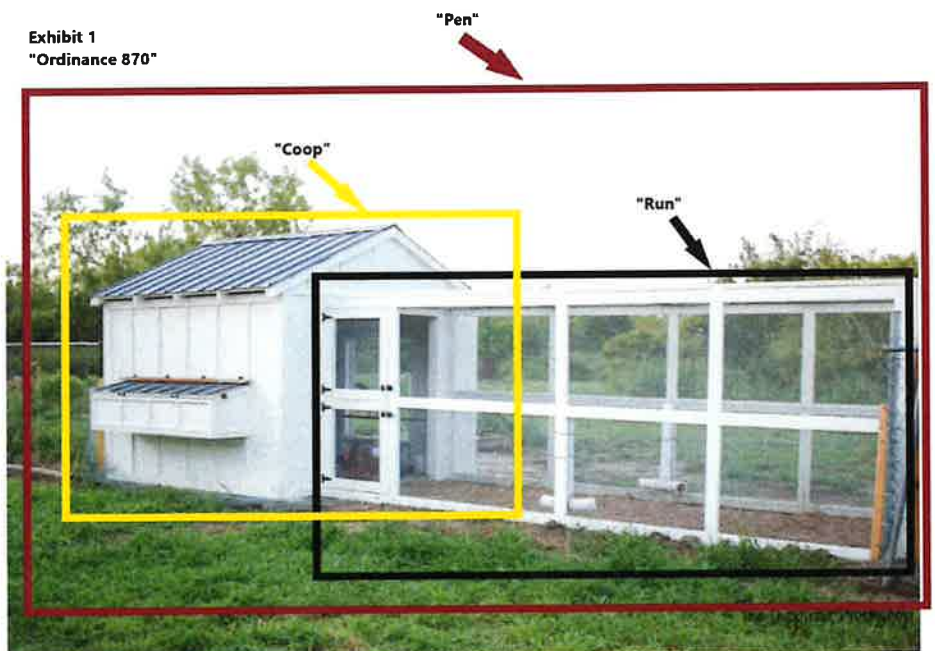
NOW THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Saratoga, Carbon County, Wyoming.

SECTION 1: That Title 18 Section 18.42.150 Horses, livestock and other barnyard animals is hereby amended to read as follows:

A. Definitions

1. "Livestock and barnyard animals" shall be defined as animals kept for farm purposes, especially marketable animals sought after for their milk, meat, such as cattle, horses, turkeys, geese, pigs, rabbits, goats, llamas, alpacas, sheep and all species of non-human mammals (except domestic dog, cat, ferret, laboratory mouse or rat; hamster; guinea pig; gerbil; and chinchilla).
2. "Poultry" shall be defined as smaller fowl kept and raised primarily for their eggs such as chickens, ducks, guinea, quail. Animals in this category will only be considered as such if the breed has an average grown adult female weight of under 12 pounds. In all references to poultry the definition shall only include hens when referencing upland bird species. (It shall be unlawful to possess roosters within the town limits.)

3. “Wild or dangerous animals” shall be defined as but are not limited to, poisonous reptiles, monitor lizards and tegus, nonpoisonous snakes with a length greater than six feet, crocodilians, poisonous spiders, scorpions, all species of non-human mammals (except domestic dog, cat, ferret, laboratory mouse or rat; hamster; guinea pig; gerbil; and chinchilla).
4. “Coop” shall be defined as an enclosed structure that provides shelter to poultry. This structure shall be insulated or heated or both. For zoning purposes, they shall be considered accessory structures and follow development standards for accessory buildings in the zoning designation the coop will be located in (refer to Title 18 of the Saratoga Town Code). In addition; no coop shall be more than 8 feet in height. Coops shall be sized adequately with a minimum of 4 square feet of coop space per chicken or 5 square feet per duck.
5. “Run” shall be defined as fully enclosed fenced area outside the coop. Runs shall be constructed to allow healthy movement for poultry and allow access into the coop from the run. Runs shall be used to contain poultry upon the property owner’s premises. Runs shall not extend into the front yard of any property as defined by Title 18. Runs may be shared by various breeds of poultry on the same property. Runs shall be sized adequately. With a minimum of 10 square feet per chicken or 16 square foot per duck.
6. Pen shall be defined as the combination of the coop and the run. See Exhibit 1.



B. Animals Not Allowed in Town Limits

1. Unless exempted in section 18.42.150.C of this code, it is unlawful for any person to possess any living wild or dangerous animal within the Town limits.
2. Unless exempted in section 18.42.150.C of this code, it is unlawful for any person to possess any livestock and barnyard animals or poultry within the Town limits of Saratoga.

C. Animals Allowed in Town Limits

1. **Domestic Animals;** persons may keep in their possession domestic dog, cat, ferret, laboratory mouse or rat; hamster; guinea pig; gerbil; and chinchillas. Animals shall be kept in a manner that does not violate any provisions of the Saratoga Town Code.
2. **Horses;** Any person who keeps a horse or several horses on any lot containing a single- family dwelling unit shall keep not more than one horse for the private use of each member of the family living on the premises subject to the following additional restrictions:
 - i. The horse shall not be kept or housed within fifty feet of any street or highway;
 - ii. Each lot shall have at least ten thousand square feet of area for each horse; and
 - iii. Adequate provisions shall be made by the individual landowner to maintain the horses on said property.
3. **Carbon County School District 2;** livestock or other barnyard animals may be kept for educational purposes at that property owned by the Carbon County School District No. 2, specifically limited to Saratoga High School. The livestock or barnyard animals kept at the high school shall be limited to allow one species per school year with a maximum limit of two animals and their immediate offspring for that school year. Prior to each school year, Carbon County School District No. 2 must request and receive a permit from the Saratoga planning

commission concerning the keeping of livestock or barnyard animals and shall specify in said permit the type and number of animals to be kept. Said permit shall be subject to periodic review by the Saratoga planning commission and may be revoked at any time by the Saratoga planning commission when written concerns are not immediately addressed and corrected by Carbon County School District No. 2.

4. **Undeveloped Lands;** Lands which are zoned as residential districts, greater than five acres in size, are allowed to have livestock, and barnyard animals provided the following requirements are met:
 - i. Livestock, and barnyard animals shall be kept in an area not less than one hundred and fifty feet from any property line.
 - ii. Premises where any livestock and barnyard animals are kept shall be maintained in such a condition as not to create a nuisance.
 - ii. Each year the property owner must request and receive a permit from the Saratoga planning commission concerning the keeping of livestock or barnyard animals and shall specify in said permit the type and number of animals to be kept. Said permit shall be subject to periodic review by the Saratoga planning commission and may be revoked at any time by the Saratoga planning commission when written concerns are not immediately addressed and corrected by the property owner.
5. **4H and FFA;** livestock and barnyard animals may be kept for FFA and 4-H purposes if the following conditions are met:
 - i. Livestock and barnyard animals are kept for and only for 4-H and FFA purposes.
 - ii. Livestock and barnyard animals may be kept from April 1st to September 1st with adequate shelter and fencing.
 - iii. A special use permit is applied for and approved by the Saratoga planning commission. In addition,

said permit shall be subject to the requirements of Chapter 18.69, Special Use Requirements.

- iv. The special use permit shall only be valid for one year.
- v. Special use permits for this purpose are to be submitted by March 1st of each year.

5. **Poultry;** A person may keep poultry in conjunction with a duplex or single family dwelling in a residential district if the following conditions are met:

- i. No more than any combination of 12 poultry shall be kept in conjunction with any single-family dwelling located on one parcel. A minimum of 2 of each type of poultry shall be kept at one time. i.e. 2 chickens, 2 ducks, 2 guinea.
- ii. Poultry are being kept primarily for enjoyment and egg production the consistent cycling of poultry populations for household meat or for sale is prohibited.
- iii. Poultry may be permitted to roam around outside their pen during daylight hours so long as their wings are clipped, they are in the rear yard of the lot and the area being roamed in entirely surrounded by a fence no less than 6 feet in height.
- iv. Poultry must be locked away in the coop from sunset to sunrise.
- v. The owner has acquired a building permit with the Town of Saratoga. This permit shall include the size of the coop and run along with the proposed amount of poultry to be housed. This permit shall verify the coop is being built in accordance with this section.
- vi. Feed for poultry is enclosed in a way to prevent the attraction of insects and rodents.
- vii. Coops and runs are kept clean and maintained in a way that they do not become a nuisance as described in the Saratoga Town Code.
- viii. If the condition of the fowl, coop, pen, run or any combination thereof constitutes a nuisance the owner of such may be subject to penalties described in section 8.08.030 of the Saratoga Town Code

- ix. This section does not supersede or affect the validity or enforceability of private lot restrictions, restrictive covenants, homeowners' association agreements, or any other agreement or arrangement that may limit or prohibit the keeping of chickens.
- x. Any individual currently possessing a coup, run, pen, poultry or the like shall have 6 months after the passage of this Ordinance to come into compliance with the requirements described herein.

SECTION 2: That Title 6 Section 6.04 Animals Generally is hereby amended to read as follows:

6.04.010. Animals allowed within Saratoga Town Limits.

Excluding dogs and cats, animals are only allowed within the Saratoga Town limits as described in Saratoga Town Code 18.42.150.

6.04.020. Animals to be kept in barns or corrals

- A. It is unlawful to keep or allow any jack, stallion or bull within the corporate limits unless such animal is confined within a barn or corral, the walls of which are of sufficient height and strength to safely confine and restrain such animal.
- B. Any person owning, controlling or having in charge any such animal in violation of the provision of this section is guilty of a misdemeanor.

(Prior code § 5-1)

6.04.030. Running at large—Prohibited—Nuisance.

- A. No horse, mare, gelding, jack, mule, sheep, hog, goat, cow, steer, bull or calf shall be permitted to run at large within the corporate limits, and any such animal running at large as aforesaid is declared to be a nuisance.
- B. Any such animal which is not securely picketed or under restraint by a rope or halter held by some person, or which is allowed to injure or damage any trees or shrubs which are not the property of the owner or the person in charge of such animal is considered running at large within the meaning of this section.
- C. It is unlawful for any person owning or having in his or her possession any chickens, ducks, geese, turkeys or other domestic fowl within the town to permit such chickens, ducks, geese, turkeys or other domestic fowl to run at large at any time during the year. Such chickens, ducks, geese, turkeys and other such domestic fowl shall be confined by the person owning the

same or in whose possession the same may be upon and within the premises and lands owned, occupied or possessed by such person.

- D. Any person owning or having in his or her possession such chickens, ducks, geese, turkeys or other fowl not properly confined or enclosed upon Their property as described in Saratoga Town Code 18.42.140 guilty of a misdemeanor.
(Prior code § 5-2; Ord. 695, 2001)

6.04.040. Running at large—Impoundment—Redemption fee.

The chief of police or other police officer shall take any animals running at large into his or her custody and shall confine them in a secure pen or pound or other place provided for that purpose. No such animal so taken up and confined as aforesaid shall be released until the owner or person in charge of such animal shall pay to the officer having such animal in keeping an amount as may be established from time to time by the town council for impounding, advertising and feeding expenses.
(Prior code § 5-3)

6.04.050. Running at large—Impoundment—Sale of unredeemed animals.

- A. It shall be the duty of the impounding officer, as soon after any animal is impounded as he or she is reasonably able to do so, to ascertain, if possible, the name of the owner or person in charge of each such animal and to notify him or her that such animal is impounded. If such officer is not able to ascertain the name of and to notify such person, the chief of police may sell such animal at public auction for cash to the highest bidder, having given notice of such sale by publication in two successive issues of a local paper for at least ten days prior to such sale; provided, that any such animal may be redeemed at any time before such sale by payment of all required fees and costs, including the costs of advertising the same.
- B. In case any animal is sold pursuant to the provisions of this section for more than sufficient to pay all the fees and costs as aforesaid, such excess shall be deposited with the town treasurer by the officer making the sale and shall be paid upon the order of the town council to the owner of such animal or the person entitled to the possession of the same, upon claim and proper proof being made before the town council.
(Prior code § 5-4)

6.04.060. Interference with police prohibited.

Any person who delays or hinders the police in any way in taking any such animal into custody, or who breaks open or in any manner assists in breaking open any pen, pound or enclosure with intent to release any animal or who releases any animal confined pursuant to this chapter or Chapter 6.08 is guilty of a misdemeanor.

(Prior code § 5-5; Ord. 694, 2001)

6.04.070. Cruelty to animals prohibited.

It is unlawful for any person to overdrive, overload, drive when overloaded, overwork, torture, torment, harass, badger, bully or terrorize, deprive of necessary sustenance, cruelly beat, mutilate or kill needlessly, poison, abandon, permit any dogfight, cockfight, bullfight or other combat between animals, or to carry in a cruel or inhumane manner, any animal, or to cause any of these acts or omissions to be done. It is unlawful for any person owning an animal to fail to provide it with proper and adequate food and drink, which consists of access to drink and food at least every twelve hours, and to fail to provide the animal with necessary protection from extreme weather and medical attention and treatment to prevent suffering or to cause any of the acts or omissions to be done.

Ownership or the commission of such acts of cruelty on private property shall not be a justifiable defense for violation of this chapter.

(Prior code § 5-6; Ord. 666, 2000)

6.04.080. Regulations for domesticated animals allowed in the municipal cemetery.

It is unlawful for any person to allow any domesticated animal he or she owns or is controlling, to defecate on the grounds of the Saratoga municipal cemetery without immediate clean up and removal of the same. This prohibition shall not apply to animals being used by handicapped persons to enable them physical access to the cemetery or to animals which are a bona fide part of a funeral procession. Any funeral procession shall have approval of the Saratoga town council or its designated representative prior to bringing animals into the cemetery.

(Ord. 783 § 1, 2010)

SECTION 3: REPEALED

All other prior Ordinances or Parts Thereof that are in conflict herewith are hereby repealed.

SECTION 4: METHODOLOGY

For purposes of clarifying the amending procedures all code sections are listed in full in the above sections. Both sections are reformatted to clarify interpretation.

SECTION 5: SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, or its application to any Person or circumstances is held invalid, the remaining portion of this Ordinance shall remain in full force and effect, and the application of the provision to other persons or circumstances shall not be affected.

SECTION 6: This ordinance shall be in full force and effect upon passage, approval, and publication.

PASSED by the Council of the Town of Saratoga, Wyoming, this June _____, 2024.

APPROVED by the Mayor of the Town of Saratoga, Wyoming, this June _____, 2024.

ATTEST:

Jenn Anderson, Town Clerk

APPROVED:

Chuck Davis, Mayor